

RETURN OF CERTAIN ARMS TO THE STATE OF TENNESSEE.

[To accompany bill H. R. No. 658.]

JANUARY 10, 1857.

Mr. SAPP, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of George W. Jones, one of the representatives in Congress from the State of Tennessee, on behalf of said State, praying a substitution to it of a certain number of arms, in lieu of others belonging to said State, issued by it to the Tennessee volunteers in the Mexican war, which were never returned, respectfully report :

The committee direct the attention of the House to the following letter from the Chief of the Bureau of Ordnance, which presents the case in a proper light.

ORDNANCE OFFICE,
Washington, October 10, 1856.

SIR: The papers left at the War Department by General Allison, adjutant general of Tennessee, relating to a claim of the State for arms furnished from the State arsenal to volunteers in the United States service during the Mexican war, and not returned to the State, which papers were referred to this office, have been examined in connexion with such of the records of the office as furnish any information on the subject.

That examination seems to establish the following facts, viz: The State of Tennessee issued to volunteers called into the service of the United States during the Mexican war—

- 1,086 muskets and accoutrements,
- 179 Hall's rifles and accoutrements,
- 10 rifles and accoutrements;

and the volunteers, thus supplied by the State, did not call for or receive their arms and accoutrements from the United States arsenals, as they had a right to do by the regulations for arming the militia called into the United States service. When mustered out of service, these volunteers turned in the following arms and accoutrements, which were sent to the United States arsenal at Baton Rouge: 291 muskets, 280 cartridge boxes, 275 cartridge-box belts, 238 bayonet scabbards,

186 bayonet-scabbard belts, 29 waist belts, 9 brushes and picks, 8 gunslings.

What became of the rest of their arms and accoutrements cannot be ascertained by me, inasmuch as the State arms were not a subject for accountability to this office, and no returns of them were received here. There is no evidence that any portion of them was returned to the State, and the claim states that none were so returned. If these volunteers were held to the same accountability, while in the United States service, for their arms and accoutrements, as those who were armed and equipped by the general government, all deficiencies not resulting from unavoidable loss or accident in service were charged against their pay. Whether any distinction was made, in this respect, between volunteers armed and equipped by the United States and these Tennessee volunteers, I have not the means of ascertaining.

The entire evidence that can be found bearing on the subject seems to present an equitable claim by the State of Tennessee on the United States for the return to the State arsenal, at Nashville, of the same number and kind of arms and accoutrements as were furnished to the volunteers in the United States service by the State. The case, however, is one of equity solely, and the executive officers have no authority to adjust it. That will require legislative action, which, in my opinion, may with propriety be recommended. The papers left by General Allison are returned herewith.

Very respectfully, your obedient servant,

H. K. CRAIG,
Colonel of Ordnance.

Hon. JEFFERSON DAVIS,
Secretary of War.

The committee agree with the Chief of the Bureau of Ordnance that the claim of the State of Tennessee against the general government is an equitable one, and they accordingly report the accompanying bill.